

ORDINANCE NO. 2001 - 057

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED LOXAHATCHEE MITIGATION BANK SITE SPECIFIC AMENDMENT: 01-97 CON 1, MODIFYING PAGE 97 OF THE FLUA BY CHANGING AN APPROXIMATELY 2.46 ACRE PARCEL OF LAND, LOCATED APPROXIMATELY 1.5 MILES WEST OF STATE ROAD 7, EAST OF THE L-40 LEVEE, TWO MILES NORTH OF CLINT MOORE ROAD FROM AGRICULTURAL RESERVE (AGR) TO CONSERVATION (CON); 01-101 CON 1, MODIFYING PAGE 101 OF THE FLUA BY CHANGING AN APPROXIMATELY 208 ACRE PARCEL OF LAND, LOCATED APPROXIMATELY 1.5 MILES WEST OF STATE ROAD 7, EAST OF THE L-40 LEVEE, ONE MILE NORTH OF CLINT MOORE ROAD FROM AGRICULTURAL RESERVE (AGR) TO CONSERVATION (CON) PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23, 2001 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board

1 of County Commissioners authorized transmittal of proposed  
2 amendments to the Department of Community Affairs for review and  
3 comment pursuant to Chapter 163, Part II, Florida Statutes; and

4 WHEREAS, Palm Beach County received on July 1, 2001 the  
5 Department of Community Affairs "Objections, Recommendations, and  
6 Comments Report," dated June 29, 2001 which was the Department's  
7 written review of the proposed Comprehensive Plan amendments; and

8 WHEREAS, the written comments submitted by the Department  
9 of Community Affairs contained no objections to the amendments  
10 contained in this ordinance;

11 WHEREAS, on August 27, 2001 the Palm Beach County Board of  
12 County Commissioners held a public hearing to review the written  
13 comments submitted by the Department of Community Affairs and to  
14 consider adoption of the amendments; and

15 WHEREAS, the Palm Beach County Board of County  
16 Commissioners has determined that the amendments comply with all  
17 requirements of the Local Government Comprehensive Planning and  
18 Land Development Regulations Act.

19 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
20 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

21 Part I. Amendments to the Future Land Use Atlas of the  
22 Land Use Element of the 1989 Comprehensive Plan

23 The following amendments to the Land Use Element's Future  
24 Land Use Atlas are hereby adopted and attached to this Ordinance:

25 A. Future Land Use Atlas page 97 is amended as follows:

26 Application No.: 01-97 CON 1

27 Amendment: From Agricultural Reserve (AGR) to  
28 Conservation (CON);

29 General Location: Approximately 1.5 miles west of State  
30 Road 7, just east of the L-40 Levee,  
31 two miles north of Clint Moore Road;

32 Size: Approximately 2.46 acres;

33 B. Future Land Use Atlas page 101 is amended as follows:

34 Application No.: 01-101 CON 1

35 Amendment: From Agricultural Reserve (AGR) to  
36 Conservation (CON);

1           General Location:       Approximately 1.5 miles west of State  
2                                   Road 7, east of the L-40 Levee, one  
3                                   mile north of Clint Moore Road;

4           Size:                   Approximately 208 acres;

5           Part II. Repeal of Laws in Conflict

6           All local laws and ordinances applying to the  
7           unincorporated area of Palm Beach County in conflict with any  
8           provision of this ordinance are hereby repealed to the extent of  
9           such conflict.

10          Part III. Severability

11          If any section, paragraph, sentence, clause, phrase, or  
12          word of this Ordinance is for any reason held by the Court to be  
13          unconstitutional, inoperative or void, such holding shall not  
14          affect the remainder of this Ordinance.

15          Part IV. Inclusion in the 1989 Comprehensive Plan

16          The provision of this Ordinance shall become and be made a  
17          part of the 1989 Palm Beach County Comprehensive Plan. The  
18          Sections of the Ordinance may be renumbered or relettered to  
19          accomplish such, and the word "ordinance" may be changed to  
20          "section," "article," or any other appropriate word.

21          Part V. Effective Date

22          The effective date of this plan amendment shall be the date  
23          a final order is issued by the Department of Community Affairs or  
24          Administration Commission finding the amendment in compliance in  
25          accordance with Section 163.3184, Florida Statutes, whichever  
26          occurs earlier. No development orders, development permits, or  
27          land uses dependent on this amendment may be issued or commence  
28          before it has become effective. If a final order of  
29          noncompliance is issued by the Administration Commission, this  
30          amendment may nevertheless be made effective by adoption of a  
31

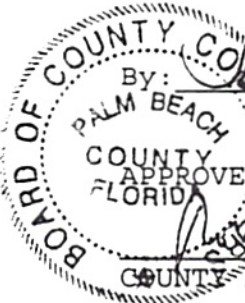


1 resolution affirming its effective status, a copy of which  
2 resolutions shall be sent to the Department of Community Affairs,  
3 Bureau of Local Planning, 2555 Shumard Oak Boulevard,  
4 Tallahassee, Florida 32399-2100.

5 APPROVED AND ADOPTED by the Board of County Commissioners  
6 of Palm Beach County, on the 27 day of August,  
7 2001.

8  
9 ATTEST:  
10 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS



11 By: [Signature] Deputy Clerk By: [Signature]  
12  
13  
14 Warren H. Newell, Chairman

15  
16  
17 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

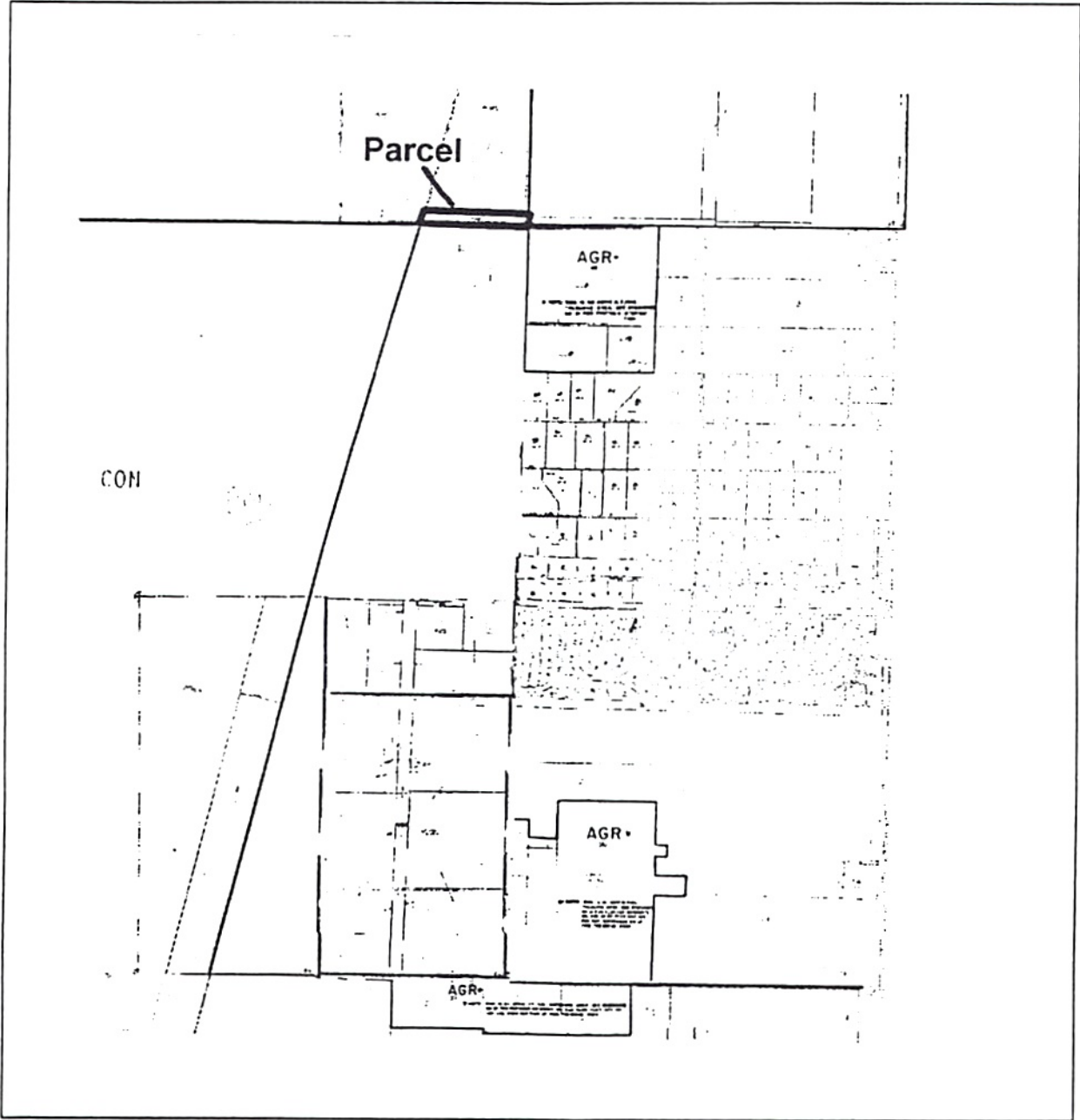
18  
19  
20 COUNTY ATTORNEY

21  
22 Filed with the Department of State on the 6th day  
23 of September, 2001  
24

**EXHIBIT 1**

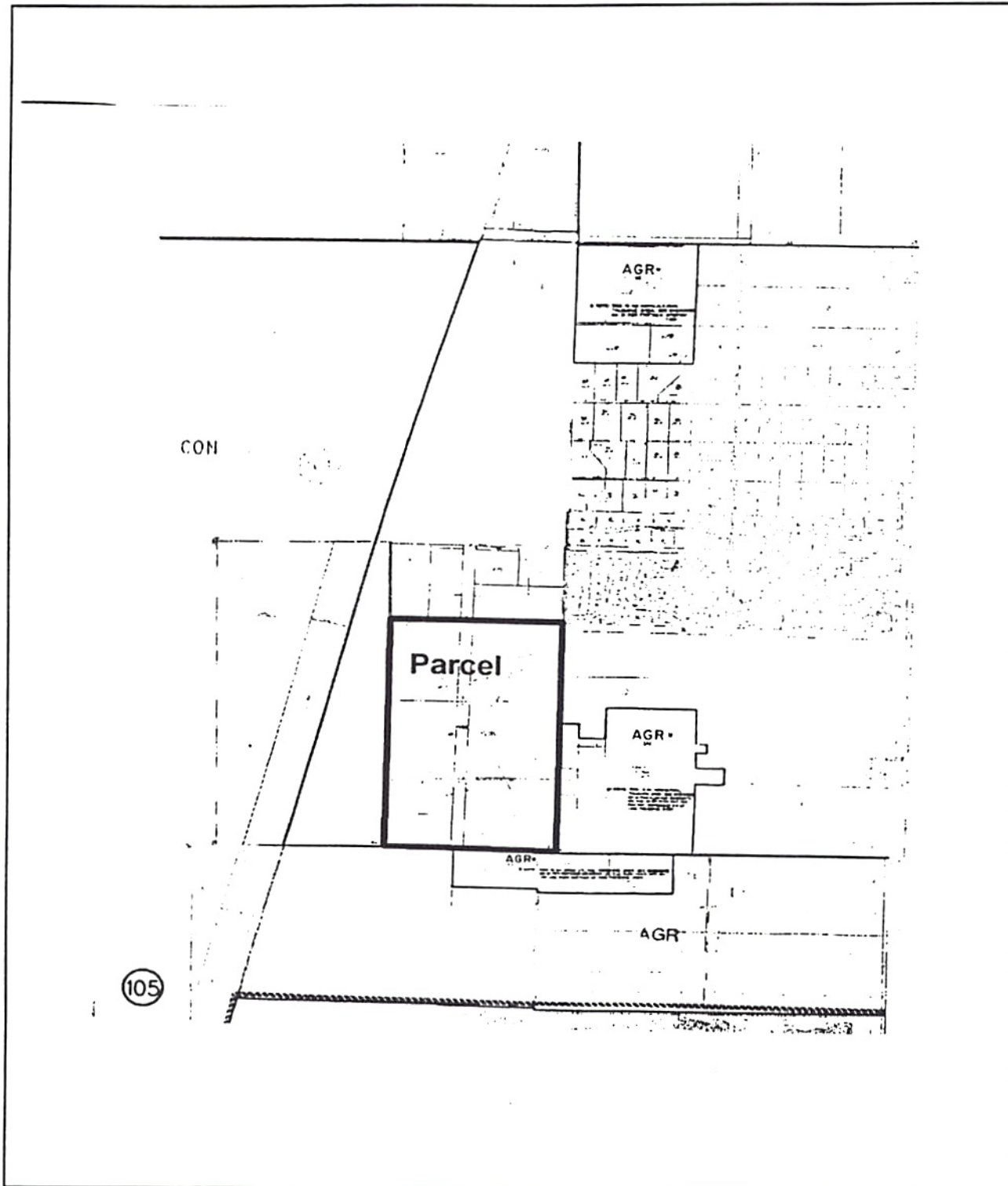
**A.** Future Land Use Atlas page 97 is amended as follows:

**Amendment No.:** 01-97 CON 1 (Loxahatchee Mitigation Bank)  
**Amendment:** From Agricultural Reserve (AGR) to Conservation (CON)  
**Location:** Approximately 1.5 miles west of SR 7, east of the L-40 Levee, two miles north of Clint Moore Road  
**Size:** Approximately 2.46 acres  
**Property No.:** 00-42-43-27-05-066-0221  
**Conditions:** None



B. Future Land Use Atlas page 101 is amended as follows:

**Amendment No.:** 01-101 CON 1 (Loxahatchee Mitigation Bank)  
**Amendment:** From Agricultural Reserve (AGR) to Conservation (CON)  
**Location:** Approximately 1.5 miles west of SR 7, east of the L-40 Levee, one mile north of Clint Moore Road  
**Size:** Approximately 208 acres  
**Property No.:** 00-42-43-27-05-068-0090  
**Condition:** None



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 27, 2001  
DATED at West Palm Beach, FL on 9/20/01  
DOROTHY H. WILKEN, Clerk  
By: DAVIDE BROWN D.C.